

SECOND REGULAR SESSION  
HOUSE COMMITTEE SUBSTITUTE FOR  
**HOUSE BILL NOS. 2358 & 1485**  
**101ST GENERAL ASSEMBLY**

5072H.02C

DANA RADEMAN MILLER, Chief Clerk

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**AN ACT**

To repeal sections 213.055, 287.067, 288.030, and 452.400, RSMo, and to enact in lieu thereof four new sections relating to COVID-19 vaccine mandates.

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*Be it enacted by the General Assembly of the state of Missouri, as follows:*

Section A. Sections 213.055, 287.067, 288.030, and 452.400, RSMo, are repealed  
2 and four new sections enacted in lieu thereof, to be known as sections 213.055, 287.067,  
3 288.030, and 452.400, to read as follows:

213.055. 1. It shall be an unlawful employment practice:

2 (1) For an employer, because of the race, color, religion, national origin, sex, ancestry,  
3 age or disability of any individual:

4 (a) To fail or refuse to hire or to discharge any individual, or otherwise to discriminate  
5 against any individual with respect to his compensation, terms, conditions, or privileges of  
6 employment, because of such individual's race, color, religion, national origin, sex, ancestry,  
7 age or disability;

8 **a. If an employee requests a reasonable accommodation from a COVID-19**  
9 **vaccine mandate based on sincerely held religious beliefs, the employer shall make**  
10 **reasonable accommodations, including an exemption from vaccination, unless doing so,**  
11 **as established by clear and convincing evidence, would both cause undue hardship**  
12 **requiring a significant difficulty or expense to the employer and be a direct threat to**  
13 **other employees, customers, clients, patients, or the general public. A sincerely held**  
14 **religious belief regarding the COVID-19 vaccine mandate shall include both theistic as**  
15 **well as non-theistic beliefs that are strongly and sincerely held. It shall be presumed**  
16 **that a request for religious accommodation from a COVID-19 vaccine mandate by an**  
17 **employee is based on a sincerely held religious belief, and the employer shall not seek**

EXPLANATION — Matter enclosed in bold-faced brackets ~~thus~~ in the above bill is not enacted and is intended to be omitted from the law. Matter in **bold-face** type in the above bill is proposed language.

18 **additional supporting information from any source in an effort to supplant the**  
19 **employee's religious beliefs with that of the employer;**

20 **b. Every public body as defined in section 290.210 shall ensure that the**  
21 **employee's sincerely held religious beliefs regarding the COVID-19 vaccine mandate are**  
22 **safeguarded and, to the extent permitted by law, shall make reasonable**  
23 **accommodations from a COVID-19 vaccine mandate, including an exemption from**  
24 **vaccination;**

25 **c. If an employee requests a reasonable accommodation from a COVID-19**  
26 **vaccine mandate based on sincerely held religious beliefs, employers that contract with**  
27 **the state of Missouri and have employees working within the state of Missouri shall**  
28 **ensure that the employee's sincerely held religious beliefs regarding the COVID-19**  
29 **vaccine mandate are safeguarded and, to the extent permitted by law, shall make**  
30 **reasonable accommodations from a COVID-19 vaccine mandate, including an**  
31 **exemption from vaccination;**

32 **(b) To limit, segregate, or classify his employees or his employment applicants in any**  
33 **way which would deprive or tend to deprive any individual of employment opportunities or**  
34 **otherwise adversely affect his status as an employee, because of such individual's race, color,**  
35 **religion, national origin, sex, ancestry, age or disability;**

36 **(2) For a labor organization to exclude or to expel from its membership any**  
37 **individual or to discriminate in any way against any of its members or against any employer**  
38 **or any individual employed by an employer because of race, color, religion, national origin,**  
39 **sex, ancestry, age or disability of any individual; or to limit, segregate, or classify its**  
40 **membership, or to classify or fail or refuse to refer for employment any individual, in any way**  
41 **which would deprive or tend to deprive any individual of employment opportunities, or would**  
42 **limit such employment opportunities or otherwise adversely affect his status as an employee**  
43 **or as an applicant for employment, because of such individual's race, color, religion, national**  
44 **origin, sex, ancestry, age or disability; or for any employer, labor organization, or joint labor-**  
45 **management committee controlling apprenticeship or other training or retraining, including**  
46 **on-the-job training programs to discriminate against any individual because of his race, color,**  
47 **religion, national origin, sex, ancestry, age or disability in admission to, or employment in,**  
48 **any program established to provide apprenticeship or other training;**

49 **(3) For any employer or employment agency to print or circulate or cause to be**  
50 **printed or circulated any statement, advertisement or publication, or to use any form of**  
51 **application for employment or to make any inquiry in connection with prospective**  
52 **employment, which expresses, directly or indirectly, any limitation, specification, or**  
53 **discrimination, because of race, color, religion, national origin, sex, ancestry, age or**  
54 **disability unless based upon a bona fide occupational qualification or for an employment**

55 agency to fail or refuse to refer for employment, or otherwise to discriminate against, any  
56 individual because of his or her race, color, religion, national origin, sex, ancestry, age as it  
57 relates to employment, or disability, or to classify or refer for employment any individual  
58 because of his or her race, color, religion, national origin, sex, ancestry, age or disability.

59       2. Notwithstanding any other provision of this chapter, it shall not be an unlawful  
60 employment practice for an employer to apply different standards of compensation, or  
61 different terms, conditions or privileges of employment pursuant to a bona fide seniority or  
62 merit system, or a system which measures earnings by quantity or quality of production or to  
63 employees who work in different locations, provided that such differences or such systems  
64 are not the result of an intention or a design to discriminate, and are not used to discriminate,  
65 because of race, color, religion, sex, national origin, ancestry, age or disability, nor shall it be  
66 an unlawful employment practice for an employer to give and to act upon the results of any  
67 professionally developed ability test, provided that such test, its administration, or action  
68 upon the results thereof, is not designed, intended or used to discriminate because of race,  
69 color, religion, national origin, sex, ancestry, age or disability.

70       3. Nothing contained in this chapter shall be interpreted to require any employer,  
71 employment agency, labor organization, or joint labor-management committee subject to this  
72 chapter to grant preferential treatment to any individual or to any group because of the race,  
73 color, religion, national origin, sex, ancestry, age or disability of such individual or group on  
74 account of an imbalance which may exist with respect to the total number or percentage of  
75 persons of any race, color, religion, national origin, sex, ancestry, age or disability employed  
76 by any employer, referred or classified for employment by any employment agency or labor  
77 organization, admitted to membership or classified by any labor organization, or admitted to  
78 or employed in any apprenticeship or other training program, in comparison with the total  
79 number or percentage of persons of such race, color, religion, national origin, sex, ancestry,  
80 age or disability in any community, state, section, or other area, or in the available workforce  
81 in any community, state, section, or other area.

82       4. Notwithstanding any other provision of this chapter, it shall not be an unlawful  
83 employment practice for the state or any political subdivision of the state to comply with the  
84 provisions of 29 U.S.C. Section 623 relating to employment as firefighters or law  
85 enforcement officers.

287.067. 1. In this chapter the term "occupational disease" is hereby defined to mean,  
2 unless a different meaning is clearly indicated by the context, an identifiable disease arising  
3 with or without human fault out of and in the course of the employment. Ordinary diseases of  
4 life to which the general public is exposed outside of the employment shall not be  
5 compensable, except where the diseases follow as an incident of an occupational disease as  
6 defined in this section. The disease need not to have been foreseen or expected but after its

7 contraction it must appear to have had its origin in a risk connected with the employment and  
8 to have flowed from that source as a rational consequence.

9       2. An injury or death by occupational disease is compensable only if the occupational  
10 exposure was the prevailing factor in causing both the resulting medical condition and  
11 disability. The "prevailing factor" is defined to be the primary factor, in relation to any other  
12 factor, causing both the resulting medical condition and disability. Ordinary, gradual  
13 deterioration, or progressive degeneration of the body caused by aging or by the normal  
14 activities of day-to-day living shall not be compensable.

15       3. An injury due to repetitive motion is recognized as an occupational disease for  
16 purposes of this chapter. An occupational disease due to repetitive motion is compensable  
17 only if the occupational exposure was the prevailing factor in causing both the resulting  
18 medical condition and disability. The "prevailing factor" is defined to be the primary factor,  
19 in relation to any other factor, causing both the resulting medical condition and disability.  
20 Ordinary, gradual deterioration, or progressive degeneration of the body caused by aging or  
21 by the normal activities of day-to-day living shall not be compensable.

22       4. "Loss of hearing due to industrial noise" is recognized as an occupational disease  
23 for purposes of this chapter and is hereby defined to be a loss of hearing in one or both ears  
24 due to prolonged exposure to harmful noise in employment. "Harmful noise" means sound  
25 capable of producing occupational deafness.

26       5. "Radiation disability" is recognized as an occupational disease for purposes of this  
27 chapter and is hereby defined to be that disability due to radioactive properties or substances  
28 or to Roentgen rays (X-rays) or exposure to ionizing radiation caused by any process  
29 involving the use of or direct contact with radium or radioactive properties or substances or  
30 the use of or direct exposure to Roentgen rays (X-rays) or ionizing radiation.

31       6. Disease of the lungs or respiratory tract, hypotension, hypertension, or disease of  
32 the heart or cardiovascular system, including carcinoma, may be recognized as occupational  
33 diseases for the purposes of this chapter and are defined to be disability due to exposure to  
34 smoke, gases, carcinogens, inadequate oxygen, of paid firefighters of a paid fire department  
35 or paid police officers of a paid police department certified under chapter 590 if a direct  
36 causal relationship is established, or psychological stress of firefighters of a paid fire  
37 department or paid peace officers of a police department who are certified under chapter 590  
38 if a direct causal relationship is established.

39       7. Any employee who is exposed to and contracts any contagious or communicable  
40 disease arising out of and in the course of his or her employment shall be eligible for benefits  
41 under this chapter as an occupational disease.

42       8. **When a COVID-19 vaccination is required or mandated by an employer as a**  
43 **condition of employment, any injury, disability, or death resulting from the vaccination**

44 **is considered an occupational disease for purposes of this chapter and is compensable if**  
45 **the vaccination was any factor in causing the resulting medical condition, disability, or**  
46 **death.**

47       9. With regard to occupational disease due to repetitive motion, if the exposure to the  
48 repetitive motion which is found to be the cause of the injury is for a period of less than three  
49 months and the evidence demonstrates that the exposure to the repetitive motion with the  
50 immediate prior employer was the prevailing factor in causing the injury, the prior employer  
51 shall be liable for such occupational disease.

288.030. 1. As used in this chapter, unless the context clearly requires otherwise, the  
2 following terms mean:

3       (1) "Appeals tribunal", a referee or a body consisting of three referees appointed to  
4 conduct hearings and make decisions on appeals from administrative determinations,  
5 petitions for reassessment, and claims referred pursuant to subsection 2 of section 288.070;

6       (2) "Base period", the first four of the last five completed calendar quarters  
7 immediately preceding the first day of an individual's benefit year;

8       (3) "Benefit year", the one-year period beginning with the first day of the first week  
9 with respect to which an insured worker first files an initial claim for determination of such  
10 worker's insured status, and thereafter the one-year period beginning with the first day of the  
11 first week with respect to which the individual, providing the individual is then an insured  
12 worker, next files such an initial claim after the end of the individual's last preceding benefit  
13 year;

14       (4) "Benefits", the money payments payable to an insured worker, as provided in this  
15 chapter, with respect to such insured worker's unemployment;

16       (5) "Calendar quarter", the period of three consecutive calendar months ending on  
17 March thirty-first, June thirtieth, September thirtieth, or December thirty-first;

18       (6) "Claimant", an individual who has filed an initial claim for determination of such  
19 individual's status as an insured worker, a notice of unemployment, a certification for waiting  
20 week credit, or a claim for benefits;

21       (7) "Commission", the labor and industrial relations commission of Missouri;

22       (8) "Common paymaster", two or more related corporations in which one of the  
23 corporations has been designated to disburse remuneration to concurrently employed  
24 individuals of any of the related corporations;

25       (9) "Contributions", the money payments to the unemployment compensation fund  
26 required by this chapter, exclusive of interest and penalties;

27       (10) "Decision", a ruling made by an appeals tribunal or the commission after a  
28 hearing;

29 (11) "Deputy", a representative of the division designated to make investigations and  
30 administrative determinations on claims or matters of employer liability or to perform related  
31 work;

32 (12) "Determination", any administrative ruling made by the division without a  
33 hearing;

34 (13) "Director", the administrative head of the division of employment security;

35 (14) "Division", the division of employment security which administers this chapter;

36 (15) "Employing unit", any individual, organization, partnership, corporation,  
37 common paymaster, or other legal entity, including the legal representatives thereof, which  
38 has or, subsequent to June 17, 1937, had in its employ one or more individuals performing  
39 services for it within this state. All individuals performing services within this state for any  
40 employing unit which maintains two or more separate establishments within this state shall be  
41 deemed to be employed by a single employing unit for all the purposes of this chapter. Each  
42 individual engaged to perform or to assist in performing the work of any person in the service  
43 of an employing unit shall be deemed to be engaged by such employing unit for all the  
44 purposes of this chapter, whether such individual was engaged or paid directly by such  
45 employing unit or by such person, provided the employing unit had actual or constructive  
46 knowledge of the work;

47 (16) "Employment office", a free public employment office operated by this or any  
48 other state as a part of a state controlled system of public employment offices including any  
49 location designated by the state as being a part of the one-stop career system;

50 (17) "Equipment", a motor vehicle, straight truck, tractor, semitrailer, full trailer, any  
51 combination of these and any other type of equipment used by authorized carriers in the  
52 transportation of property for hire;

53 (18) "Fund", the unemployment compensation fund established by this chapter;

54 (19) "Governmental entity", the state, any political subdivision thereof, any  
55 instrumentality of any one or more of the foregoing which is wholly owned by this state and  
56 one or more other states or political subdivisions and any instrumentality of this state or any  
57 political subdivision thereof and one or more other states or political subdivisions;

58 (20) "Initial claim", an application, in a form prescribed by the division, made by an  
59 individual for the determination of the individual's status as an insured worker;

60 (21) "Insured work", employment in the service of an employer;

61 (22) (a) As to initial claims filed after December 31, 1990, "insured worker", a  
62 worker who has been paid wages for insured work in the amount of one thousand dollars or  
63 more in at least one calendar quarter of such worker's base period and total wages in the  
64 worker's base period equal to at least one and one-half times the insured wages in that  
65 calendar quarter of the base period in which the worker's insured wages were the highest, or

66 in the alternative, a worker who has been paid wages in at least two calendar quarters of such  
67 worker's base period and whose total base period wages are at least one and one-half times the  
68 maximum taxable wage base, taxable to any one employer, in accordance with subsection 2 of  
69 section 288.036. For the purposes of this definition, "wages" shall be considered as wage  
70 credits with respect to any benefit year, only if such benefit year begins subsequent to the date  
71 on which the employing unit by which such wages were paid has become an employer;

72 (b) As to initial claims filed after December 31, 2004, wages for insured work in the  
73 amount of one thousand two hundred dollars or more, after December 31, 2005, one thousand  
74 three hundred dollars or more, after December 31, 2006, one thousand four hundred dollars or  
75 more, after December 31, 2007, one thousand five hundred dollars or more in at least one  
76 calendar quarter of such worker's base period and total wages in the worker's base period  
77 equal to at least one and one-half times the insured wages in that calendar quarter of the base  
78 period in which the worker's insured wages were the highest, or in the alternative, a worker  
79 who has been paid wages in at least two calendar quarters of such worker's base period and  
80 whose total base period wages are at least one and one-half times the maximum taxable wage  
81 base, taxable to any one employer, in accordance with subsection 2 of section 288.036;

82 (23) "Misconduct", only as the term is used in this chapter, conduct or failure to act in  
83 a manner that is connected with work, regardless of whether such conduct or failure to act  
84 occurs at the workplace or during work hours~~[, which]~~. **"Misconduct" does not include**  
85 **failure to take any COVID-19 vaccine based on sincerely held religious, ethical, moral,**  
86 **or conscientious beliefs, and termination or discharge from employment as a result of**  
87 **such failure shall not disqualify an employee from unemployment compensation.**  
88 **"Misconduct"** shall include:

89 (a) Conduct or a failure to act demonstrating knowing disregard of the employer's  
90 interest or a knowing violation of the standards which the employer expects of his or her  
91 employee;

92 (b) Conduct or a failure to act demonstrating carelessness or negligence in such  
93 degree or recurrence as to manifest culpability, wrongful intent, or a knowing disregard of the  
94 employer's interest or of the employee's duties and obligations to the employer;

95 (c) A violation of an employer's no-call, no-show policy; chronic absenteeism or  
96 tardiness in violation of a known policy of the employer; or two or more unapproved absences  
97 following a written reprimand or warning relating to an unapproved absence unless such  
98 absences are protected by law;

99 (d) A knowing violation of a state standard or regulation by an employee of an  
100 employer licensed or certified by the state, which would cause the employer to be sanctioned  
101 or have its license or certification suspended or revoked; or

102 (e) A violation of an employer's rule, unless the employee can demonstrate that:

- 103           a. He or she did not know, and could not reasonably know, of the rule's requirements;  
104           b. The rule is not lawful; or  
105           c. The rule is not fairly or consistently enforced;
- 106           (24) "Referee", a representative of the division designated to serve on an appeals  
107 tribunal;
- 108           (25) "State" includes, in addition to the states of the United States of America, the  
109 District of Columbia, Puerto Rico, the Virgin Islands, and the Dominion of Canada;
- 110           (26) "Temporary employee", an employee assigned to work for the clients of a  
111 temporary help firm;
- 112           (27) "Temporary help firm", a firm that hires its own employees and assigns them to  
113 clients to support or supplement the clients' workforce in work situations such as employee  
114 absences, temporary skill shortages, seasonal workloads, and special assignments and  
115 projects;
- 116           (28) (a) An individual shall be deemed "totally unemployed" in any week during  
117 which the individual performs no services and with respect to which no wages are payable to  
118 such individual;
- 119           (b) a. An individual shall be deemed "partially unemployed" in any week of less than  
120 full-time work if the wages payable to such individual for such week do not equal or exceed  
121 the individual's weekly benefit amount plus twenty dollars;
- 122           b. Effective for calendar year 2007 and each year thereafter, an individual shall be  
123 deemed "partially unemployed" in any week of less than full-time work if the wages payable  
124 to such individual for such week do not equal or exceed the individual's weekly benefit  
125 amount plus twenty dollars or twenty percent of his or her weekly benefit amount, whichever  
126 is greater;
- 127           (c) An individual's "week of unemployment" shall begin the first day of the calendar  
128 week in which the individual registers at an employment office except that, if for good cause  
129 the individual's registration is delayed, the week of unemployment shall begin the first day of  
130 the calendar week in which the individual would have otherwise registered. The requirement  
131 of registration may by regulation be postponed or eliminated in respect to claims for partial  
132 unemployment or may by regulation be postponed in case of a mass layoff due to a temporary  
133 cessation of work;
- 134           (29) "Waiting week", the first week of unemployment for which a claim is allowed in  
135 a benefit year or if no waiting week has occurred in a benefit year in effect on the effective  
136 date of a shared work plan, the first week of participation in a shared work unemployment  
137 compensation program pursuant to section 288.500.
- 138           2. The Missouri average annual wage shall be computed as of June thirtieth of each  
139 year, and shall be applicable to the following calendar year. The Missouri average annual



140 wage shall be calculated by dividing the total wages reported as paid for insured work in the  
141 preceding calendar year by the average of mid-month employment reported by employers for  
142 the same calendar year. The Missouri average weekly wage shall be computed by dividing  
143 the Missouri average annual wage as computed in this subsection by fifty-two.

452.400. 1. (1) A parent not granted custody of the child is entitled to reasonable  
2 visitation rights unless the court finds, after a hearing, that visitation would endanger the  
3 child's physical health or impair his or her emotional development. The court shall enter an  
4 order specifically detailing the visitation rights of the parent without physical custody rights  
5 to the child and any other children for whom such parent has custodial or visitation rights. In  
6 determining the granting of visitation rights, the court shall consider evidence of domestic  
7 violence. If the court finds that domestic violence has occurred, the court may find that  
8 granting visitation to the abusive party is in the best interests of the child.

9 (2) (a) The court shall not grant visitation to the parent not granted custody if such  
10 parent or any person residing with such parent has been found guilty of or pled guilty to any  
11 of the following offenses when a child was the victim:

12 a. A felony violation of section 566.030, 566.032, 566.031, 566.060, 566.062,  
13 566.064, 566.067, 566.068, 566.061, 566.083, 566.101, 566.100, 566.111, 566.151, 566.203,  
14 566.206, 566.209, 566.211, or 566.215;

15 b. A violation of section 568.020;

16 c. A violation of subdivision (2) of subsection 1 of section 568.060;

17 d. A violation of section 568.065;

18 e. A violation of section 573.200;

19 f. A violation of section 573.205; or

20 g. A violation of section 568.175.

21 (b) For all other violations of offenses in chapters 566 and 568 not specifically listed  
22 in paragraph (a) of this subdivision or for a violation of an offense committed in another state  
23 when a child is the victim that would be a violation of chapter 566 or 568 if committed in  
24 Missouri, the court may exercise its discretion in granting visitation to a parent not granted  
25 custody if such parent or any person residing with such parent has been found guilty of, or  
26 pled guilty to, any such offense.

27 (3) The court shall consider the parent's history of inflicting, or tendency to inflict,  
28 physical harm, bodily injury, assault, or the fear of physical harm, bodily injury, or assault on  
29 other persons and shall grant visitation in a manner that best protects the child and the parent  
30 or other family or household member who is the victim of domestic violence, and any other  
31 children for whom the parent has custodial or visitation rights from any further harm.

32 (4) The court, if requested by a party, shall make specific findings of fact to show that  
33 the visitation arrangements made by the court best protect the child or the parent or other

34 family or household member who is the victim of domestic violence, or any other child for  
35 whom the parent has custodial or visitation rights from any further harm.

36 **(5) The court shall not deny or limit visitation to the parent not granted custody**  
37 **because of the parent's COVID-19 vaccination status; except that, a judge may exercise**  
38 **discretion to deny or limit visitation if the child has a medical condition that places him**  
39 **or her at higher risk of severe illness from COVID-19.**

40 2. (1) The court may modify an order granting or denying visitation rights whenever  
41 modification would serve the best interests of the child, but the court shall not restrict a  
42 parent's visitation rights unless it finds that the visitation would endanger the child's physical  
43 health or impair his or her emotional development.

44 (2) (a) In any proceeding modifying visitation rights, the court shall not grant  
45 unsupervised visitation to a parent if the parent or any person residing with such parent has  
46 been found guilty of or pled guilty to any of the following offenses when a child was the  
47 victim:

48 a. A felony violation of section 566.030, 566.032, 566.031, 566.060, 566.062,  
49 566.064, 566.067, 566.068, 566.061, 566.083, 566.101, 566.100, 566.111, 566.151, 566.203,  
50 566.206, 566.209, 566.211, or 566.215;

51 b. A violation of section 568.020;

52 c. A violation of subdivision (2) of subsection 1 of section 568.060;

53 d. A violation of section 568.065;

54 e. A violation of section 573.200;

55 f. A violation of section 573.205; or

56 g. A violation of section 568.175.

57 (b) For all other violations of offenses in chapters 566 and 568 not specifically listed  
58 in paragraph (a) of this subdivision or for a violation of an offense committed in another state  
59 when a child is the victim that would be a violation of chapter 566 or 568 if committed in  
60 Missouri, the division may exercise its discretion regarding the placement of a child taken  
61 into the custody of the state in which a parent or any person residing in the home has been  
62 found guilty of, or pled guilty to, any such offense.

63 (3) When a court restricts a parent's visitation rights or when a court orders  
64 supervised visitation because of allegations of abuse or domestic violence, a showing of proof  
65 of treatment and rehabilitation shall be made to the court before unsupervised visitation may  
66 be ordered.

67

68 "Supervised visitation", as used in this section, is visitation which takes place in the presence  
69 of a responsible adult appointed by the court for the protection of the child.

70           3. The court shall mandate compliance with its order by all parties to the action,  
71 including parents, children and third parties. In the event of noncompliance, the aggrieved  
72 person may file a verified motion for contempt. If custody, visitation or third-party custody is  
73 denied or interfered with by a parent or third party without good cause, the aggrieved person  
74 may file a family access motion with the court stating the specific facts which constitute a  
75 violation of the judgment of dissolution, legal separation or judgment of paternity. The state  
76 courts administrator shall develop a simple form for pro se motions to the aggrieved person,  
77 which shall be provided to the person by the circuit clerk. Clerks, under the supervision of a  
78 circuit clerk, shall explain to aggrieved parties the procedures for filing the form. Notice of  
79 the fact that clerks will provide such assistance shall be conspicuously posted in the clerk's  
80 offices. The location of the office where the family access motion may be filed shall be  
81 conspicuously posted in the court building. The performance of duties described in this  
82 section shall not constitute the practice of law as defined in section 484.010. Such form for  
83 pro se motions shall not require the assistance of legal counsel to prepare and file. The cost of  
84 filing the motion shall be the standard court costs otherwise due for instituting a civil action in  
85 the circuit court.

86           4. Within five court days after the filing of the family access motion pursuant to  
87 subsection 3 of this section, the clerk of the court shall issue a summons pursuant to  
88 applicable state law, and applicable local or supreme court rules. A copy of the motion shall  
89 be personally served upon the respondent by personal process server as provided by law or by  
90 any sheriff. Such service shall be served at the earliest time and shall take priority over  
91 service in other civil actions, except those of an emergency nature or those filed pursuant to  
92 chapter 455. The motion shall contain the following statement in boldface type:

93   **"PURSUANT TO SECTION 452.400, RSMO, YOU ARE**  
94   **REQUIRED TO RESPOND TO THE CIRCUIT CLERK WITHIN**  
95   **TEN DAYS OF THE DATE OF SERVICE. FAILURE TO**  
96   **RESPOND TO THE CIRCUIT CLERK MAY RESULT IN THE**  
97   **FOLLOWING:**

- 98   (1)   **AN ORDER FOR A COMPENSATORY PERIOD OF**  
99           **CUSTODY, VISITATION OR THIRD-PARTY CUSTODY AT**  
100          **A TIME CONVENIENT FOR THE AGGRIEVED PARTY**  
101          **NOT LESS THAN THE PERIOD OF TIME DENIED;**  
102   (2)   **PARTICIPATION BY THE VIOLATOR IN COUNSELING**  
103          **TO EDUCATE THE VIOLATOR ABOUT THE**  
104          **IMPORTANCE OF PROVIDING THE CHILD WITH A**  
105          **CONTINUING AND MEANINGFUL RELATIONSHIP**  
106          **WITH BOTH PARENTS;**

- 107 (3) ASSESSMENT OF A FINE OF UP TO FIVE HUNDRED  
108 DOLLARS AGAINST THE VIOLATOR;  
109 (4) REQUIRING THE VIOLATOR TO POST BOND OR  
110 SECURITY TO ENSURE FUTURE COMPLIANCE WITH  
111 THE COURT'S ORDERS;  
112 (5) ORDERING THE VIOLATOR TO PAY THE COST OF  
113 COUNSELING TO REESTABLISH THE PARENT-CHILD  
114 RELATIONSHIP BETWEEN THE AGGRIEVED PARTY  
115 AND THE CHILD; AND  
116 (6) A JUDGMENT IN AN AMOUNT NOT LESS THAN THE  
117 REASONABLE EXPENSES, INCLUDING ATTORNEY'S  
118 FEES AND COURT COSTS ACTUALLY INCURRED BY  
119 THE AGGRIEVED PARTY AS A RESULT OF THE DENIAL  
120 OF CUSTODY, VISITATION OR THIRD-PARTY  
121 CUSTODY."

122 5. If an alternative dispute resolution program is available pursuant to section  
123 452.372, the clerk shall also provide information to all parties on the availability of any such  
124 services, and within fourteen days of the date of service, the court may schedule alternative  
125 dispute resolution.

126 6. Upon a finding by the court pursuant to a motion for a family access order or a  
127 motion for contempt that its order for custody, visitation or third-party custody has not been  
128 complied with, without good cause, the court shall order a remedy, which may include, but  
129 not be limited to:

130 (1) A compensatory period of visitation, custody or third-party custody at a time  
131 convenient for the aggrieved party not less than the period of time denied;

132 (2) Participation by the violator in counseling to educate the violator about the  
133 importance of providing the child with a continuing and meaningful relationship with both  
134 parents;

135 (3) Assessment of a fine of up to five hundred dollars against the violator payable to  
136 the aggrieved party;

137 (4) Requiring the violator to post bond or security to ensure future compliance with  
138 the court's access orders; and

139 (5) Ordering the violator to pay the cost of counseling to reestablish the parent-child  
140 relationship between the aggrieved party and the child.

141 7. The court shall consider, in a proceeding to enforce or modify a permanent custody  
142 or visitation order or judgment, a party's violation, without good cause, of a provision of the

143 parenting plan, for the purpose of determining that party's ability and willingness to allow the  
144 child frequent and meaningful contact with the other party.

145         8. The reasonable expenses incurred as a result of denial or interference with custody  
146 or visitation, including attorney's fees and costs of a proceeding to enforce visitation rights,  
147 custody or third-party custody, shall be assessed, if requested and for good cause, against the  
148 parent or party who unreasonably denies or interferes with visitation, custody or third-party  
149 custody. In addition, the court may utilize any and all powers relating to contempt conferred  
150 on it by law or rule of the Missouri supreme court.

151         9. Final disposition of a motion for a family access order filed pursuant to this section  
152 shall take place not more than sixty days after the service of such motion, unless waived by  
153 the parties or determined to be in the best interest of the child. Final disposition shall not  
154 include appellate review.

155         10. Motions filed pursuant to this section shall not be deemed an independent civil  
156 action from the original action pursuant to which the judgment or order sought to be enforced  
157 was entered.

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